MERCHANT & GOULD P.C.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

DEFICIENCY DETECTING APPARATUS FOR OPTICAL DISK

a. \square is attached hereto					
b. 🛛 was filed ona	as application serial no	and was an	nended on	(if applicable) (in the cas	
of a PCT-filed application) describ	ed and claimed in internationa	l no. PCT/JP2003/0118	308 filed on Septem	ber 17, 2003 and as amended	
on					
(if any), which I	have reviewed and for which	I solicit a United States	patent.		
hereby state that I have reviewed ny amendment referred to above.	and understand the contents of	f the above-identified sp	oecification, includi	ng the claims, as amended by	
hereby claim foreign priority bender the errificate listed below and have also that of the application on the basis	so identified below any foreign				
a. ☐ no such applications have be o. ☑ such applications have been					
FORI	EIGN APPLICATION(S), IF ANY,	CLAIMING PRIORITY U	NDER 35 USC § 119		
COUNTRY	APPLICATION NUMBER	DATE OF FILING	DAT	E OF ISSUE	
		(day, month, year)		month, year)	
Japan	2002-274532	20 September 2002			
ALL FORE	IGN APPLICATION(S), IF ANY, F	TLED BEFORE THE PRIC	RITY APPLICATION	N(S)	
COUNTRY	APPLICATION NUMBER	DATE OF FILING	DAT	E OF ISSUE	
		(day, month, year)	(day,	month, year)	
hereby claim the benefit under Tirelow and, insofar as the subject meanner provided by the first paragrefined in Title 37, Code of Federar PCT international filing date of the	natter of each of the claims of the claims of the raph of Title 35, United States all Regulations, § 1.56(a) which	his application is not dis Code, § 112, I acknowl	sclosed in the prior edge the duty to dis	United States application in t close material information as	
U.S. APPLICATION NUMBER DATE OF FILING		(day, month, year)	STATUS (pater	US (patented, pending, abandoned)	
hereby claim the benefit under Tit			es provisional appli		
ON ANY DIGITAL AL			(3-5),		

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

§ 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Allera, Allan G. Reg. No. 40,274 Anderson, Gregg I. Reg. No. 29,260 Anderson, Gregg I. Reg. No. 29,260 Beard, John L. Reg. No. 32,260 Beard, John L. Reg. No. 32,260 Beard, John L. Reg. No. 53,214 Beard, John L. Reg. No. 43,965 Blackburn, Murrell W. Reg. No. 43,965 Blackburn, Murrell W. Reg. No. 50,881 Blackburn, Murrell W. Reg. No. 50,881 Branch, John W. Reg. No. 41,633 Bruess, Steven C. Reg. No. 31,130 Bruess, Steven C. Reg. No. 31,130 Bruess, Steven C. Reg. No. 41,634 Bruess, Steven C. Reg. No. 41,634 Bruess, Steven C. Reg. No. 40,597 Bruess, John M. Reg. No. 32,044 Pauly, Daniel M. Reg. No. 49,054 Campbell, Keith Reg. No. 46,597 Peterson, Kyle T. Reg. No. 40,654 Daley, Dennis R. Reg. No. 48,649 Pilo, Mark J. Reg. No. 48,649 Daley, Dennis R. Reg. No. 34,994 Randall, John N. Reg. No. 37,206 Daley, William J. Reg. No. 34,994 Randall, John N. Reg. No. 37,109 Daulton, Julie R. Reg. No. 34,994 Reg. No. 34,994 Randall, John N. Reg. No. 57,119 Daulton, Julie R. Reg. No. 36,414 Reg. No. 25,417 Reg. No. 48,597 Reg. No. 50,419 Daviton, Julie R. Reg. No. 38,707 Schmaltz, David G. Reg. No. 57,006 DiPietro, Mark J. Reg. No. 52,471 Reich, John C. Reg. No. 37,703 Daulton, Julie R. Reg. No. 39,641 Reg. No. 28,707 Schmaltz, David G. Reg. No. 59,0470 Schoot, Althew A. Reg. No. 28,707 Schmaltz, David G. Reg. No. 59,0470 Schoot, Althew A. Reg. No. 39,667 Flitzimmons, Karen A. Reg. No. 59,667 Schli, Timothy B. Reg. No. 44,125 Coffency, Marthew A. Reg. No. 44,125 Sep Ryan, Sandra Reg. No. 44,125 Sep Ryan, Sandra Reg. No. 44,125 Sep Ryan, Sandra Reg. No. 44,127 Sorge, Keith M. Reg. No. 45,147 Sorge, Keith M. Reg. No. 45,147 Sorge, Keith M. Reg. No. 47,129 Sorgen, Richard Reg. No. 49,047 Sorge, Keith M. Reg. No. 47,129 Sorgen, Richard Reg. No. 49,047 Sorgen, Richard Reg. No. 49,047 Sorgen, Richard Reg. No. 49,047 Sorgen, Richard Reg. No. 40,047 Sorgen, Richard Reg. No. 40,047 Sorgen, Richard Reg. No. 40,047	Ali M Joffer	Reg. No. 46,359		
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I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys.

Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

	Full Name	Family Name	First Given Name		Second Given Name
2	Of Inventor	<u>UEDA</u>	<u>Eiji</u>		
0	Residence	City	State or Foreign Country		Country of Citizenship
	& Citizenship	Yawata-shi IPX	Kyoto, Japan		Japan
1	Mailing	Address	City		State & Zip Code/Country
	Address	86-22, Hiranoyama, Hashimoto	Yawata-shi		Kyoto 614-8347/ JAPAN
Signature of Inventor 201: Eiji Ueda				Date: October 7, 2004	
	Full Name	Family Name	First Given Name		Second Given Name
2	Of Inventor	<u>KISHIMOTO</u>	<u>Takashi</u>		
	2 - 00				
0	Residence	City	State or Foreign Country		Country of Citizenship
	& Citizenship	Nara-shi I > X	Nara, Japan		Japan
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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UEDA et al.

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Dear Commissioner:

Pursuant to 37 C.F.R. §1.32 (c)(3) please appoint the following 10 practitioners named in the Power of Attorney to be recognized by the U.S. Patent Office as being of record in the above-identified application:

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Respectfully submitted,

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